IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1410 OF 2004

The Chief Fire Officer,
Bombay Fire Brigade ...Appellant

Versus

Shri Suresh Natwarlal Sonigra & Anr. ...Respondents

Shri J.J.Xavier for the Appellant.
Shri M.B.Kotak for the Respondent No.1.
Ms Roy Chaudhari for the Respondent No.2.

CORAM : ABHAY S.OKA, J.
DATED : 17th December, 2007.

P.C.:

1. The learned advocate for the appellant has placed on record a communication dated 13th December, 2007 recording the decision of the Municipal Corporation to withdraw the present appeal. The said communication is taken on record and marked "X" for identification.

2. In view of the said communication, following order is passed:

(i) The appeal is dismissed as withdrawn.

(ii) A sum of Rs.25,000/- deposited by the appellant in this Court shall be transferred to the concerned Tribunal. If it is found that the

appellant has deposited any amount in excess of the amount payable under the impugned judgment and award, the Tribunal will pass necessary order of refund.

(iii) The appellant will be entitled to refund of court fees as per the rules.

(iv) Certified copy is expedited.

JUDGE